

ALEX G. TSE (CABN 152348)  
Acting United States Attorney

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Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	Case No. CR 17-00491 RS
	)	
Plaintiff,	)	STIPULATION AND [ <del>PROPOSED</del> ]
	)	ORDER
v.	)	
	)	
MARC HOWARD BERGER,	)	
	)	
Defendant.	)	
	)	
	)	

STIPULATION

WHEREAS, on December 12, 2017, defendant Marc Howard Berger, represented by Miranda Kane, Esq., and the government, represented by Robert S. Leach, Assistant United States Attorney, appeared before the Court for a status hearing;

WHEREAS, the Court set this matter for jury trial on July 9, 2018, with jury selection to begin July 6, 2018;

1 WHEREAS, the government has produced discovery in excess of 500GB of data pursuant to  
2 Rule 16;

3 WHEREAS, the parties agree that the time between December 12, 2017, and July 6, 2018 should  
4 be excluded under the Speedy Trial Act to afford counsel time to review the discovery and to conduct  
5 any necessary investigation;

6 WHEREAS, failing to exclude the time between December 12, 2017, and July 6, 2018, would  
7 unreasonably deny the defendant continuity of counsel and would deny counsel the reasonable time  
8 necessary for effective preparation, taking into account the exercise of due diligence, and under the  
9 circumstances, the ends of justice served by a continuance outweigh the best interests of the public and  
10 the defendant in a speedy trial;

11 WHEREAS, pursuant to Criminal Local Rule 47-2(c), counsel for the government calculates  
12 that, under 18 U.S.C. § 3161, there are seventy (70) days remaining before a trial of defendant must  
13 commence;

14 THEREFORE, the United States and the defendant Berger, through undersigned counsel, hereby  
15 stipulate and agree that the period of time from December 12, 2017, and July 6, 2018, shall be excluded  
16 in computing the time within which the trial of the offenses alleged in the Indictment must commence  
17 under 18 U.S.C. § 3161.

18 STIPULATED AND AGREED TO:

19 Dated: January 11, 2018

ALEX G. TSE  
Acting United States Attorney

/s/

\_\_\_\_\_  
ROBERT S. LEACH  
Assistant United States Attorney

LORI A. HENDRICKSON  
Trial Attorney  
U.S. Department of Justice, Tax Division

1 Dated: January 11, 2018

KANE & KIMBALL LLP

2 /s/

3 MIRANDA KANE

4 Attorney for Defendant Marc Howard Berger

5 ~~PROPOSED~~ ORDER

6 PURSUANT TO STIPULATION and for good cause shown, the Court finds that failing to  
7 exclude the time between December 12, 2017, and July 6, 2018, would unreasonably deny the defendant  
8 continuity of counsel and would deny counsel the reasonable time necessary for effective preparation,  
9 taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further  
10 finds that the ends of justice served by excluding the time between December 12, 2017, and July 6,  
11 2018, from computation under the Speedy Trial Act outweigh the best interests of the public and the  
12 defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that the time between December 12,  
13 2017, and July 6, 2018, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §  
14 3161(h)(7)(A) and (B)(iv).

15  
16 Dated: 1/18/18

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18 HON. RICHARD SEEBORG  
19 United States District Judge  
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